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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-260

13 **PEGGY MURPHY,**
14 **a.k.a. PEGGY MENDOZA,**
15 **a.k.a. PEGGY MURRAY,**
16 **a.k.a. PEGGY WILLIAMS**
110 Edison Court
Vacaville, CA 95687

A C C U S A T I O N

17 Registered Nurse License No. 398389
Public Health Nurse Certification No. 46915

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing.

22 2. On or about March 31, 1986, the Board of Registered Nursing issued
23 Registered Nurse License Number 398389 to Peggy Murphy, a.k.a. Peggy Mendoza, a.k.a. Peggy
24 Murray, a.k.a. Peggy Williams (Respondent). The license was in full force and effect at all times
25 relevant to the charges brought herein and will expire on May 31, 2009, unless renewed.

26 3. On or about October 23, 1990, the Board of Registered Nursing issued
27 Public Health Nurse Certification Number 46915 to Peggy Murphy, a.k.a. Peggy Mendoza,
28

1 a.k.a. Peggy Murray, a.k.a. Peggy Williams ("Respondent"). The Public Health Nurse
2 Certification was in full force and effect at all times relevant to the charges brought herein and
3 will expire on May 31, 2009, unless renewed.

4 **JURISDICTION**

5 4. This Accusation is brought before the Board of Registered Nursing
6 (Board), under the authority of the following laws. All section references are to the Business and
7 Professions Code unless otherwise indicated.

8 **STATUTORY PROVISIONS**

9 5. Section 2750 of the Business and Professions Code (Code) provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
12 2750) of the Nursing Practice Act.

13 6. Section 2764 of the Code provides, in pertinent part, that the expiration of
14 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license. Under section
16 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
17 the expiration.

18 7. Section 2761 of the Code states:

19 "The board may take disciplinary action against a certified or licensed nurse or
20 deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct . . .

22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the record of the
24 conviction shall be conclusive evidence thereof.

25

26 8. Section 2762 of the Code states:

27 "In addition to other acts constituting unprofessional conduct within the meaning
28 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed

1 under this chapter to do any of the following:

2

3 “(b) Use any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
5 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
6 injurious to himself or herself, any other person, or the public or to the extent that such use
7 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
8 license.

9 “(c) Be convicted of a criminal offense involving the prescription, consumption,
10 or self-administration of any of the substances described in subdivisions (a) and (b) of this
11 section, or the possession of, or falsification of a record pertaining to, the substances described in
12 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
13 thereof.

14

15 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licentiate found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Substantially Related Conviction)**

21 10. Respondent is subject to disciplinary action pursuant to section 2761(f) of
22 the Code, in that she was convicted of a criminal offense which is substantially related to the
23 qualifications, functions, and duties of a registered nurse, as follows:

24 a. On or about April 28, 2008, in the criminal proceeding entitled *People of*
25 *the State of California vs. Peggy Murphy*, Superior Court of California, County of Solano, Case
26 No. FCR251642, Respondent was convicted on her plea of nolo contendere to a violation of
27 Vehicle Code section 23152(b) (driving while having a 0.08% or higher blood alcohol), a
28 misdemeanor.

1 b. Respondent was sentenced to three (3) years formal probation and 120
2 days in county jail.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Substantially Related Conviction)**

5 11. Respondent is subject to disciplinary action pursuant to section 2761(f) of
6 the Code, in that she was convicted of a criminal offense which is substantially related to the
7 qualifications, functions, and duties of a registered nurse, as follows:

8 a. On or about June 26, 2007, in the criminal proceeding entitled *People of*
9 *the State of California vs. Peggy Murphy*, Superior Court of California, County of Solano, Case
10 No. FCR239944, Respondent was convicted on her plea of nolo contendere to a violation of
11 Vehicle Code section 23152(b) (driving while having a 0.08% or higher blood alcohol), a
12 misdemeanor.

13 b. On or about June 26, 2007, Respondent was sentenced to three (3) years
14 summary probation.

15 c. On or about June 30, 2008, the Court ordered that, based on Respondent's
16 violation of probation, Respondent's probation was extended to three (3) years from the date of
17 the Court's order.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Substantially Related Conviction)**

20 12. Respondent is subject to disciplinary action pursuant to section 2761(f) of
21 the Code, in that she was convicted of a criminal offense which is substantially related to the
22 qualifications, functions, and duties of a registered nurse, as follows:

23 a. On or about July 19, 2006, in the criminal proceeding entitled *People of*
24 *the State of California vs. Peggy Murphy*, Superior Court of California, County of Solano, Case
25 No. FCR231030, Respondent was convicted on her plea of nolo contendere to a violation of
26 Vehicle Code section 23152(b) (driving while having a 0.08% or higher blood alcohol), a
27 misdemeanor. The Court found that Respondent's blood alcohol level was 0.20%.

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1 b. On or about July 19, 2006, Respondent was sentenced to three (3) years
2 summary probation.

3 c. On or about June 30, 2008, the Court ordered that, based on Respondent's
4 violation of probation, Respondent's probation was extended to three (3) years from the date of
5 the Court's order.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Use of Alcohol to a Dangerous Extent)**

8 13. Respondent is subject to disciplinary action pursuant to section 2762(b) of
9 the Code, on the grounds of unprofessional conduct, in that Respondent used alcohol to an extent
10 or in a manner dangerous or injurious to herself, any other person, or the public or to the extent
11 that such use impairs her ability to conduct with safety to the public the practice authorized by
12 her license, as set forth in paragraphs 9 through 11, above.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Convictions Involving Alcohol)**

15 14. Respondent is subject to disciplinary action pursuant to section 2762(c) of
16 the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of
17 criminal offenses involving alcohol, as set forth in paragraphs 9 through 11, above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 398389, issued
22 to Peggy Murphy, a.k.a. Peggy Mendoza, a.k.a. Peggy Murray, a.k.a. Peggy Williams;


23 2. Revoking or suspending Public Health Nurse Certification Number 46915,
24 issued to Peggy Murphy, a.k.a. Peggy Mendoza, a.k.a. Peggy Murray, a.k.a. Peggy Williams;

25 3. Ordering Peggy Murphy, a.k.a. Peggy Mendoza, a.k.a. Peggy Murray,
26 a.k.a. Peggy Williams, to pay the Board the reasonable costs of the investigation and enforcement
27 of this case, pursuant to Business and Professions Code section 125.3;

28 / / /

4. Taking such other and further action as deemed necessary and proper.

DATED: 4/22/09


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant